IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 828 OF 1998

IN

SUMMARY SUIT NO. 3454 OF 1998

Techcons Constructional Engg.Co. .....**Plffs.**
vs.
Chemox Laboratories Ltd .....**Defnds.**

S.V. Chabria for the plaintiffs.

C.M. Lokesh i/b. Hegde and Associates for the defendants.

CORAM: S.U. KAMDAR, J.

DATE : 20th September, 2005.

P.C. :.

1. The present suit is filed for the recovery of amount of Rs.7,76,179/- with interest thereon. The total claim in the present suit is for Rs.11,60,175/- with further interest at the rate of 24% p.a.. The claim arises out of a contract of

construction of building at MIDC, Turbhe for the defendant company. It is the case of the plaintiff that the said amount has been duly certified by the architect and interior designer and thus there is no dispute inrespect of the said claim. The defendants have been served with the summons for judgment. There is no reply. Though earlier the matter was adjourned due to the proceedings pending before the BIFR by an order dated 17.4.2001. However it has come to the notice that no such proceedings is pending. The defendant states that they have tried to contact the client but they are unable to contact.

2. In view thereof summons for judgment is made absolute. Suit decreed. However interest rate is modified to 12% p.a. In view of the decree in the suit, Notice of Motion No. 1092 of 2002 is dismissed as infructious. Refund of court fees as per rules. No order as to costs.

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